

# **3 FAM 3170**

## **LANGUAGE INCENTIVE PAY**

*(TL:PER-372; 10-01-1999)*

### **3 FAM 3171 GENERAL INFORMATION**

#### **3 FAM 3171.1 Purpose**

*(TL:PER-372; 10-01-1999)*

*(State Only)*

*(Applies to Foreign Service)*

To foster the development and use of foreign language skills deemed critical to its mission, the Department provides monetary incentives for proficiency in designated hard and extremely-hard languages identified as “incentive languages” (see 3 FAH-1 H-3170). The list of “incentive languages” may be revised from time to time to reflect the changing needs of the Department. Except as provided in 3 FAH-1 H-3174, the provisions of 3 FAM 3170 supercede all other language incentive pay rules and regulations.

#### **3 FAM 3171.2 Authority**

*(TL:PER-372; 10-01-1999)*

*(State Only)*

*(Applies to Foreign Service)*

The Department offers these incentives under Section 704 (b)(3) of the Foreign Service Act of 1980, as amended (“the Act”).

### **3 FAM 3172 DEFINITIONS**

*(TL:PER-372; 10-01-1999)*

*(State Only)*

*(Applies to Foreign Service)*

a. **Primary-A language:** A primary-A language is an indigenous language which is the sole and official national language of the area or an indigenous language which is used officially on a coequal basis, either nationally or regionally, with a primary-alternate language. Examples are French in Paris, Urdu in Karachi, and Tamil in Madras.

b. **Primary-B language:** A primary-B language is an indigenous language which is used by a significant segment of the population but is not used officially by the government. Examples are Lingala or Kituba in Kinshasa, Pashto in Kabul, and Visayan in Cebu.

c. **Primary-alternate language:** A primary-alternate language is a nonindigenous language used officially or widely by the government in conducting both internal and foreign affairs and by educated circles whether or not an indigenous language is also used officially or generally by the people. Examples are French in Tunis and English in New Delhi.

d. **Secondary language:** A secondary language is any language other than a primary language used to communicate with a substantial segment of the population or with a minority group that is politically, economically, or culturally significant. Examples are Chinese in Bangkok, French in Ankara, and Quechua in La Paz.

e. **Language-designated position (LDP):** A language-designated position (LDP) is a position which has been officially designated by the Department as requiring a specified level of language competence on the part of the incumbent.

f. **Normal course of study:** For the purposes of 3 FAM 3174.2, paragraph a(3)(a), the normal course of study for the following languages and proficiency levels is defined as follows:

88 weeks for S-3/R-3 Proficiency; 44 weeks for S-2/R-2 Proficiency

Arabic  
Chinese (Cantonese)  
Chinese (Standard)  
Japanese  
Korean

44 weeks for S-3/R-3 Proficiency, 23 weeks for S-2/R-2 Proficiency

Albanian	Hebrew	Serbian
Amharic	Hindi	Sinhala
Armenian	Hungarian	Slovak
Azerbaijani	Kazakh	Slovenian
Bengali	Khmer	Tagalog
Bosnian	Kyrgyz	Tajik
Bulgarian	Lao	Tamil
Burmese	Latvian	Thai
Croatian	Lithuanian	Turkish
Czech	Macedonian	Turkmen
Dari	Mongolian	Ukrainian
Estonian	Nepali	Urdu
Farsi	Pashto	Uzbek
Georgian	Polish	Vietnamese
Greek	Russian	Visayan

g. **Foreign Service generalist:** A Foreign Service generalist is a Foreign Service officer as defined in 3 FAM 2234.1, paragraph b.

h. **Foreign Service specialist.** A Foreign Service specialist is a member of the Foreign Service as defined in 3 FAM 2234.1, paragraph c.

i. **Member.** A member is a member of the Service as defined in section 103(1) through section 103(5) of the Foreign Service Act of 1980.

## **3 FAM 3173 ELIGIBILITY FOR LANGUAGE INCENTIVE PAY**

### **3 FAM 3173.1 Basic Eligibility Criteria**

*(TL:PER-372; 10-01-1999)*

*(State Only)*

*(Applies to Foreign Service)*

In order to be eligible for language incentive pay, an employee must meet the following criteria:

(1) He or she must be a member of the service as defined in section 103(1) through 103(5) of the Foreign Service Act of 1980;

(2) Have a proficiency of S-3/R-3 or better if a Foreign Service generalist, or, if a Foreign Service specialist, have a proficiency of S-2/R-2 or better;

(3) Be serving in any position (either language designated or non-language designated) at a post abroad where a language currently on the list of incentive languages is a primary or primary-alternate language, or in any language designated position (LDP) requiring an incentive language. (See 3 FAH-1 H-3171.)

**NOTE:** Language designated positions may be established in nonprimary or nonalternate languages in countries where those languages are deemed essential to the individual member's responsibilities, such as Persian LDPs in Turkey and Abu Dhabi, or Vietnamese LDPs in Bangkok. Language incentive pay shall not be paid for nonprimary or nonalternate languages at these posts other than to incumbents of such specific LDPs; and

(4) Possess an FSI-certified language test score which is valid at commencement of eligibility documenting a qualifying proficiency level or meet the proficiency requirements described in 3 FAM 3173.2. For the purposes of this program, certified test scores are valid for a maximum of five years.

### **3 FAM 3173.2 Establishing Language Proficiency**

*(TL:PER-372; 10-01-1999)*

*(State Only)*

*(Applies to Foreign Service)*

a. For the purpose of establishing eligibility for language incentive pay, a member who previously has tested at the S-4/R-4 level of proficiency is deemed to have at least an S-3/R-3 proficiency level indefinitely unless his or her supervisor requests that the proficiency level be recertified.

b. For the purpose of establishing eligibility for language incentive pay, a member receiving two test scores of S-4/R-4 at least four years apart, or one test score of S-5/R-5, is deemed to have at least S-4/R-4 proficiency indefinitely unless his or her supervisor requests that the proficiency level be recertified.

c. If a supervisor requests that a member's proficiency level be recertified under the provisions of paragraphs a and b in this section, a member claiming proficiency at the S-3/R-3 level or better must make arrangements with the Foreign Service Institute (FSI) for either a field test or a test at FSI within six months of the supervisor's request. The results of that test shall determine the future level of compensation under this program. If no test has been arranged within six months, the member shall be assumed to have a proficiency of S-2/R-2 and his or her language incentive pay adjusted accordingly.

d. Language incentive pay shall not be granted for proficiency in a language if that proficiency was a condition of the member's initial employment with the Department.

### **3 FAM 3174 MONETARY PAYMENT LEVELS**

#### **3 FAM 3174.1 Basic Payment**

*(TL:PER-372; 10-01-1999)*

*(State Only)*

*(Applies to Foreign Service)*

The "basic payment" for eligible members shall be calculated as follows:

(1) For a Foreign Service specialist (or employee serving on a limited noncareer appointment in a specialist position abroad) with a qualifying rating of S-2/R-2, the basic payment is five percent of the base salary abroad of an FS-01/Step 1 member of the Foreign Service, as defined in 5 U.S.C. 5302(1) and adjusted annually according to 5 U.S.C. 5303(a);

(2) For any member with a qualifying rating of S-3/R-3, the basic payment is 10 percent of the base salary abroad of an FS-01/Step 1 member of the Foreign Service, as defined in 5 U.S.C. 5302(1) and adjusted annually according to 5 U.S.C. 5303(a); and

(3) For any member with a qualifying rating of S-4/R-4, the basic payment is 15 percent of the base salary abroad of an FS-01/Step 1 member, as defined in 5 U.S.C. 5302(1) and adjusted annually according to 5 U.S.C. 5303(a).

The basic Foreign Service pay scale is published each year under an Executive Order and can be obtained from PER/RMA.

### **3 FAM 3174.2 Payments for Initial Tours, Return Tours, and Extensions**

*(TL:PER-372; 10-01-1999)*

*(State Only)*

*(Applies to Foreign Service)*

a. The amount of an eligible member's language incentive pay shall reflect the value to the Department of enhanced language proficiency gained through repeat tours and extensions according to the following formula:

(1) **Initial tour:** A member of the Foreign Service who qualifies for language incentive pay under 3 FAM 3173 and who is serving on an initial tour shall receive the "basic payment" described in 3 FAM 3174.1;

(2) **Extension of tour:** A member of the Foreign Service who qualifies for language incentive pay under 3 FAM 3173 for 22 months and who has been formally panelled into an extension of longer than nine months beyond the original transfer eligibility date shall receive 150 percent of the "basic payment" described in 3 FAM 3174.1 for the period of that extension.

(3) **Repeat tour:** A member of the Foreign Service who qualifies for language incentive pay under 3 FAM 3173 and who has completed at least 22 months of service on a previous tour while qualifying for language incentive pay may qualify for increased benefits if the member is serving a second or subsequent tour in a country where that same language is either a primary or alternate language or in a language designated position requiring that same language.

(a) The member shall qualify for 150 percent of the "basic payment" for his or her current qualifying rating (as defined in 3 FAM 3174.1) if, in preparation for this repeat tour, the member received no full-time Department-sponsored language training or was enrolled in such training for a period less than 25 percent of the normal course of study required for a beginner to achieve an S-3/R-3 (for generalists and specialists) or S-2/R-2 (for specialists only) in that language, as defined by FSI. (See 3 FAM 3172, paragraph f.) The repeat tour does not have to be served in the same country as the first tour in which the member initially qualified for benefits.

(b) For the purposes of this provision only, certain closely-related languages shall be grouped together and considered as a single language. These language groupings are contained in 3 FAH-1 H-3172.

b. Amounts shall be paid biweekly through the Department's payroll system and shall be subject to the applicable taxes and withholdings.

### **3 FAM 3175 PERIODS DURING WHICH PAYMENTS ARE EFFECTIVE**

*(TL:PER-372; 10-01-1999)*

*(State Only)*

*(Applies to Foreign Service)*

The provisions of 3 FAM 3170, language incentive pay, shall become effective on the first day of the first pay period following the date of implementation. (NOTE: 3 FAH-1 H-3174 contains provisions concerning the initial implementation of this program.)

(1) For a member eligible prior to arrival at post, language incentive pay shall be effective at the beginning of the first full pay period after the member's arrival at post, shall continue for the duration of the tour of duty, and shall terminate at the end of the pay period during which the member permanently departs the post.

(2) When a member receives a qualifying language test score after arriving at post, language incentive pay shall be effective at the beginning of the first full pay period after the member passes the test at the required level as certified by FSI. The language incentive pay shall be paid for the remainder of the tour of duty and shall terminate at the end of the pay period during which the member permanently departs the post or position.

(3) When a language is added to the incentive language list (3 FAH-1 H-3171) after a member's arrival at post, and if the member is otherwise eligible, language incentive pay shall be effective at the beginning of the first full pay period after that language is added to the incentive language list and shall continue for the duration of the tour. It shall terminate at the end of the pay period during which the member permanently departs post or the position.

(4) When a member qualifies for increased payments for an extension under the provisions of 3 FAM 3174.2, paragraph a(2), the increase in language incentive pay shall be effective at the beginning of the first full pay period in the last month of the member's original tour of duty. The language incentive pay shall be paid for the remainder of the tour of duty and shall terminate at the end of the pay period during which the member permanently departs post or the position.

(5) If a language is removed from the incentive language list (3 FAH-1 H-3171), language incentive pay shall not be terminated for any otherwise qualifying member during service at the post or in the position for which the original incentive payment was awarded.

## **3 FAM 3176 END-OF-TOUR BONUS**

### **3 FAM 3176.1 Eligibility and Monetary Payment Level**

*(TL:PER-372; 10-01-1999)*

*(State Only)*

*(Applies to Foreign Service)*

a. A member of the Service who has received language incentive pay under the provisions of 3 FAM 3170 and who, within two months following the completion of his or her qualifying service, receives for the first time an FSI certified language test score of S-4/R-4, shall receive a lump-sum payment of \$5,000. Payment shall be made through the Department's payroll system and shall be subject to the applicable taxes and withholdings during the period in which it is paid. Any member who previously has qualified for language incentive pay at the S-4/R-4 level at any point during his or her qualifying service shall not be eligible for this end-of-tour bonus.

b. A member of the Service who is receiving language incentive pay under the provisions of 3 FAM 3170 and who, within the final six months of his or her transfer eligibility date (TED), receives an FSI certified language test score of S-4/R-4 for the first time in that language shall have the option of choosing either to:

(1) Change his or her level of at-post language incentive pay to the S-4/R-4 level; or

(2) Forego the increase of at-post benefits in favor of a \$5000 cash bonus.

The member shall provide supporting documentation to his or her post or bureau admin/executive office establishing his or her qualification for this bonus election. The member's post or bureau shall notify the appropriate payroll office in accordance with 3 FAM 3178. Such documentation shall include copies of the current language test score and a signed memorandum or telegram from the member documenting his or her election.

c. The effective date of any change to a member's language incentive pay as a result of the election made under 3 FAM 3176.1, paragraph b(1), shall be the beginning of the pay period after the test during which the member achieved the higher score required to support such an election, provided that date is within the final six months of the member's tour of duty, as defined by the member's TED.

## **3 FAM 3177 TESTING FOR LANGUAGE INCENTIVE PAY**

### **3 FAM 3177.1 Member Responsibility for Scheduling Tests**

*(TL:PER-372; 10-01-1999)*

*(State Only)*

*(Applies to Foreign Service)*

a. A member is entitled to, and is responsible for arranging, a test at FSI before going to post. The member should notify the FSI Testing Unit at least three weeks prior to the desired test date. FSI shall attempt to schedule tests as close to the requested dates as possible. Retesting may be requested six months after a previous test or after 100 hours of additional training provided by the Department.

b. FSI testers or examiners may periodically visit posts abroad. Posts are notified, in advance, of such visits when the FSI representative may be available to give a limited number of tests. Members who believe they have the necessary proficiency level to qualify for language incentive pay should arrange for testing through the post language officer. Tests for language incentive pay may be scored only by FSI-certified examiners.



### **3 FAM 3177.2 Disputes Concerning Eligibility for Language Incentive Pay**

*(TL:PER-372; 10-01-1999)*

*(State Only)*

*(Applies to Foreign Service)*

A member of the Service may appeal a dispute concerning qualifications under the regulations for language incentive pay to the Director, Office of Career Development and Assignments, Bureau of Personnel (PER/CDA).

### **3 FAM 3178 RESPONSIBILITIES FOR NOTIFICATION OF ELIGIBILITY**

#### **3 FAM 3178.1 General**

*(TL:PER-372; 10-01-1999)*

*(State Only)*

*(Applies to Foreign Service)*

Responsibilities for notification of eligibility are as follow:

(1) A member of the Service is responsible for promptly notifying the post's administrative officer of the possible eligibility for language incentive pay;

(2) FSI is responsible for promptly furnishing to the tested member's post by telegram a certification of test results. FSI shall routinely distribute test scores after a member completes training at FSI or is tested in the field. If a member is tested and scored at post, the FSI certified examiner shall promptly provide to the member's administrative officer a certification of test results;

(3) In case of a direct transfer of a potentially eligible member to a post where a primary or alternate language is currently on the incentive languages list, PER/CDA shall request FSI to cable the member's valid test scores to that post. The post administrative officer shall take action as outlined in item (4) below if the member meets the eligibility criteria for a monetary payment;

(4) The member's post is responsible for authorizing the appropriate payroll office by the most expeditious means (usually telegram) to make the language incentive payment to the qualified member. The post authorization shall include:

(a) Member's name and payroll number;

(b) A statement that the member meets the eligibility criteria outlined in 3 FAM 3173;

(c) A statement from the member attesting that his or her competency in the language was not a condition of initial employment;

(d) The proper monetary payment level as outlined in 3 FAM 3174 or 3 FAH-1 H-3174.4, indicating the member's qualifying level of language proficiency and the percentage of "basic payment" for which the member qualifies; and

(e) The effective date of the language incentive payment as outlined in 3 FAM 3175.

The post shall also follow any special notification procedure issued by the appropriate payroll office. If sufficient information, other than FSI test score data, is unavailable for the post to make a determination, post should request such information from PER/CDA; and

(5) The appropriate payroll office is responsible for promptly processing the approved language incentive pay.

### **3 FAM 3178.2 Notification to Terminate**

*(TL:PER-372; 10-01-1999)*

*(State Only)*

*(Applies to Foreign Service)*

a. The post or, in the case of a domestic assignment, the employing bureau is responsible for promptly notifying the appropriate payroll office by the most expeditious means (usually telegram) of the termination date of a member's eligibility for language incentive pay (see 3 FAM 3173).

b. The TMFIVE on a member receiving language incentive pay who transfers or separates (including resignation or retirement) must contain the following statement: "Stop language incentive pay as of the end of the pay period in which the actual time of departure (ATD) falls."

c. Upon receipt of such notification, the member's payroll office shall stop language incentive pay as of the end of the pay period in which the termination date falls.

### **3 FAM 3178.3 Responsibility for Notification of Eligibility for Increased Benefit for Repeat Tour**

*(TL:PER-372; 10-01-1999)*

*(State Only)*

*(Applies to Foreign Service)*

a. It is the responsibility of a member who believes he or she qualifies for increased benefits under 3 FAM 3174.2, paragraph a(3), to notify PER/CDA of the apparent eligibility as soon as practicable after the assignment has been panelled, and in no case less than two months before the proposed entry-on-duty date. If an appropriate (Personnel Audit Report) PAR is available to the member, the member should submit a copy of a PAR showing the previous assignment. If that PAR does not provide evidence that the member possessed a qualifying language rating at the time of the previous tour, or if the PAR is unavailable, PER/CDA shall review the member's Admin file and contact FSI to obtain verification of the previous qualifying language rating. If the records of the School of Language Services do not support the member's contention that he or she previously qualified for language incentive pay under the provisions of 3 FAM 3170, the member shall receive language incentive pay as specified under 3 FAM 3174.2, paragraph a(1), for initial tours.

b. Members are encouraged to retain PARs and other records of language test scores to substantiate eligibility for increased language incentive pay in future postings.

### **3 FAM 3179 UNASSIGNED**